IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.2068 OF 2006

Gulam Hyder & 2 ors. Petitioners
vs.
The Additional Collector & 5 ors. Respondents

Mr.J.P.Sen i/b.M/s.Deepak Chitnis-Chiparikar & Co. for the petitioners.

Mr.Milind More, AGP for respondents 1, 3 and 4.

Mr.G.D.Utangale i/b.M/s.Utangale & Co. for respondent no.2.

Mr.A.K.Singh for respondent no.6.

Mr.S.G.Surane for respondent no.7.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 14th November, 2006

P.C.

Respondent no.7 is a registered cooperative society in whose favour LOI was issued on 3.3.2006 and thereafter IOD on 19.5.2006 in respect of CTS No.208, survey no.2 for an area admeasuring 1157 sq.mts. Annexure II annexed to the agreement shows that there are 74 hutment dwellers.

2. Petitioners claim to be represented by another cooperative society. In the similar case before this court in Nirbhay Co-op.Housing Socy. v/s. Slum Rehabilitation Authority (SRA) & ors in Writ Petition (Lodging) No.1112/2004 decided on 17thJune, 2004, we

have taken a view that once the society is registered, it will not be open for another proposed society to move this court until the registration of the other society is cancelled by the Competent Authority. In the instant case, the recognition of respondent no.7 subsists. We are therefore not inclined to exercise our extraordinary jurisdiction.

3. We make it clear that if there are any other persons who are eligible and whose names are not included in Annexure II in respect of the area for which the scheme is sanctioned, it will be open to them to apply to the competent officer for considering their case. As we have reiterated over and over again what this court must consider is the right of the slum dweller for accommodation and we are not concerned with the proxy battle of builders before this court to develop the land.

4. With the above observation, petition stands disposed of.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)